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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,513	03/07/2002	Dean Moses	VIGN1690-1	8808
44654	7590	05/12/2011	EXAMINER	
Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin, TX 78705			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2448	
			MAIL DATE	DELIVERY MODE
			05/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,513	<b>Applicant(s)</b> MOSES ET AL.	
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2448	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-14,17,19-27,30-34 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-14,17,19-27,30-34 and 36-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20110223</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. While the Examiner maintains that the specification fails to adequately describe "a reference to the object" as "contain[ing] information necessary to locate and invoke the object" as discussed in the Office action of 11/30/2010 (§7-8), the amendments to claim 1 render that rejection moot. Accordingly, it has been withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 2/23/2011 do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant merely asserts that the prior art of record fails to disclose the newly added limitations, without providing any explanation of how the amendments distinguish the claims from the prior art. For the reasons discussed below, the Examiner respectfully disagrees that the prior art of record fails to disclose these features.

3. The Examiner recommends amending the claim to incorporate additional details of the "portal framework" and how the "site[s]" and "repositor[ies]" interact with each other by sharing references to the objects. Additional detail is necessary to distinguish the claims from mere sharing of references to content among a plurality of related

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servers. The Examiner recommends incorporating limitations detailing what types of objects are shared and how the shared objects are used by the various components of the system. The Examiner recognizes that there are differences between the prior art of record and Applicant's disclosed invention. However, the current claims do not contain sufficient details to distinguish them from the prior art of record.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 6-14, 17, 19-27, 30-34 and 36-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al. (US 6,236,971) in view of Chang et al. (US 2002/0078377).

6. As per claim 1, Stefik teaches a method for sharing an object (digital work) in a portal framework (a plurality of repositories work together to form a portal providing access to various content)(col. 7, ll. 14-65), the method comprising the steps of:

storing a reference (digital ticket) to the object in a first repository in the portal framework, wherein the first repository is associated with or available to a first site (tickets may be stored and distributed among repositories)(col. 3, ll. 37-39; col. 51, ll. 42-

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44), wherein the reference to the object contains information necessary for accessing the object (identification information and address information of special ticket agent)(col. 4, ll. 8-1; col. 22, ll. 60-66);

performing a first operation to store a duplicate of the reference to the object in a second repository associated with or available to a second site (tickets can be copied to other repositories)(col. 23, ll. 4-5; col. 51, ll. 45-46);

wherein, via the duplicate of the reference stored in the second repository, the object becomes available to the second site for reuse by the second site on the portal framework (ticket holders can access associated objects and tickets can be refreshed upon transfer, making them available for reuse by a second site)(col. 23, ll. 4-25; col. 51, ll. 56-58);

wherein the first operation is in accordance with a first privilege granted as defined by a permission to share the object with the second site (copy permission granted as a result of fee payment)(col. 51, ll. 63-65).

Stefik does not specifically disclose the object (digital work) being a software object. However, it is known at the time of the invention to share/lease software objects. Chang et al. discloses a system where software objects can be leased for used over a distributed network (see fig.2d, fig.3, paragraph [0035]) . It would have been obvious for one of ordinary skill in the art at the time the invention was made to apply the teaching of Stefik to control the leasing of software objects because it would have enabled the owner of a software object to specify usage and distribution rights to the software object (Stefik; Abstract; col. 4, ll. 6-14).

7. As per claim 4, Stefik teaches an operation to unshare the object with the second site, wherein the second operation removes the duplicate of the reference of the object from the second repository (col. 38, ll. 18-29)

8. As per claim 6, Stefik further discloses providing access to the duplicate of the reference of the object in the second repository (other repositories can request and receive the digital ticket).

9. As per claims 7-9, Stefik teaches access is in accordance with a second privilege (col. 11, ll. 33044; col. 44, ll. 8-23; col. 46, ll. 1-20) and storing in a third repository (the distributor repository, etc).

10. As per claims 10-11, Stefik teaches an operation to remove the object from a repository (col. 38, ll. 18-29).

11. As per claim 12, Stefik teaches storing references to child objects (col. 11, l. 58 to col. 12, l. 8).

12. As per claim 13, Stefik teaches excluding reference to a child object (apparent from col.12 ll. 21-38).

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13. Claims 14, 17, 19-27, 30-34 and 36-39 are rejected under the same rationale as claims 1, 4 and 6-13, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are explicitly or inherently taught by the above cited art.

14. As per claim 40, it is rejected under similar rationale as for claim 1 above. Stefik further discloses adding the object to the second site utilizing the first copy of the reference stored in the second site repository (ticket holders can access associated objects)(col. 4, ll. 7-26).

15. As per claim 41, it is apparent that a second copy of the reference (digital ticket) can be made to another third site repository in the portal framework if the ticket permits multiple copies.

16. As per claim 42, Stefik teaches that the objects may be compound objects and that storing a first copy of the reference further comprises storing a reference to at least one child object of the compound object (references [tickets] may provide access to portions of a digital work in the form of ancestor and descendent blocks)(col. 11, l. 58 to col. 12, l. 8).

17. As per claim 43, Stefik teaches the reference (digital ticket) is copied from one repository to another (col. 51 l. 45, col. 4, ll. 37-40). The object (digital work) itself is not

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transferred to the repository until access to the object is requested using the reference (digital ticket). Hence, the object is not copied to the repository during the creation of the copy of the reference.

18. As per claim 44, Stefik does not specifically disclose storing object in a database remote from the shared repository. However, for reliability purposes, it is well known in the art to store data in a remote database for archival or backup. Hence, it would have been obvious for one of ordinary skill in the art to store the object in a remote database because it would have enabled backup of the object.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448